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Video signal processing apparatus - Patent 6850694

The pulse **hsync** is inputted to a write control circuit 7 and an output from the A/D ... In this case, generally, the **MPEG2 encoder** 16 is constituted with an ...
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ivtv0: Allocate DMA **encoder MPEG** stream: 128 x 32768 buffers (4096KB total). you should see: ivtv0: Allocate DMA **encoder MPEG** stream: 512 x 32768 buffers ...
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From:	Dastouri, Mehrdad
Sent:	Tuesday, April 17, 2007 11:00 AM
To:	Werner, David N.
Subject:	RE: 10/716791

Dave, Claim 7 is nonstatutory. Claim language does not comply with 101 Interim Guidelines and MPEP 2106 requirements. The following essential terms are not recited in the claim:

"a computer-readable medium encoded with a computer program". This reflects a computer element that defines structural and functional interrelationships between the computer program and the rest of the computer and permit the computer program's functionality to be realized (Lowry, 32 F.3d at 1583-84, 32 USPQ2d at 1035).

Furthermore, claims do not seem to be quite narrow. Please review Applicant's provided prior arts No. 5 and 6, US Patent 6,233,253, and consult with Andy Rao in this regard.

Thanks,
Mehrdad

-----Original Message-----
From: Werner, David N.
Sent: Monday, April 16, 2007 1:22 PM
To: Dastouri, Mehrdad
Subject: 10/716791

It seems that 10/716791 is an _ex parte Quayle_. The claims are quite narrow, and I can't find anything pertaining to packet header generation dependent on a synchronization signal (like H-SYNC). My best prior art is US 5,671,260 A, which controls a buffer according to H-SYNC, but not a packetizer. I also ran a PLUS search, but that didn't produce any results. The claims are fine as far as formalities are concerned, and software claim 7 looks statutory. The deficiencies in the application are that the Japanese priority application is missing, figure 11 should have a "PRIOR ART" label, and the end of the specification is cut off.

David N. Werner
Examiner, AU 2621
Room: KNOX 6B84 Phone: (571) 272-9662
david.werner@uspto.gov

As you noted and indicated, " computer readable medium" and "computer program" are essential phrases that required to be explicitly recited in the claim (Should not be substituted by any other terms that are based on a subjective interpretation of the nomenclature). Items 2[a] through 2[e] are specific terms/phrases that only refer to the acceptable linking terms for those essential "computer readable medium" and "computer program" phrases. "Program storage device" is not a defined technical phrase, and is not equivalent to "a computer readable medium".

-----Original Message-----
From: Werner, David N.
Sent: Tuesday, April 17, 2007 11:23 AM
To: Dastouri, Mehrdad
Subject: RE: 10/716791

I'm not sure why claim 7 is non-statutory. From the guidelines:

"Examples of acceptable language in computer-processing related claims:

2. 'a computer readable medium' _____ 'computer program'

[a] storing a
[b] embodied with a
[c] encoded with a
[d] having a stored
[e] having an encoded"

In current claim 7, a "program storage device" seems equivalent to "a computer readable medium", a "program of instructions...which are executable by the processing apparatus" seems equivalent to a "computer program", and the phrase "tangibly embodied on the storage device" seems to define the structural relationship, like statement [b].

From:	Dastouri, Mehrdad
Sent:	Tuesday, April 17, 2007 12:12 PM
To:	Werner, David N.
Subject:	RE: 10/716791

Please note my today's e-mail, 4/17/07 11:00 AM. Use this prior art as far as it reasonably teaches the claimed invention.

-----Original Message-----
From: Werner, David N.
Sent: Monday, April 16, 2007 2:56 PM
To: Dastouri, Mehrdad
Subject: 10/716791

In an interference search, I found 2002/0085632 A1, which has MPEG header inserter 14. Multiplexer 15 is driven by a "field synchronizing signal", but not the header inserter.

David N. Werner
Examiner, AU 2621
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david.werner@uspto.gov